

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2154

United States of America,

Appellee,

v.

Francisco Javier Martinez-Briseno,
also known as Sabas Figueroa Briceno,
also known as Francisco Figueroa,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.
[UNPUBLISHED]

Submitted: December 3, 2002

Filed: December 6, 2002

Before WOLLMAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Francisco Martinez-Briseno pleaded guilty to illegal reentry following deportation, in violation of 8 U.S.C. § 1326(a) and (b), and the district court¹ sentenced him to 77 months of imprisonment and 2 years of supervised release. On appeal, counsel has moved to withdraw under Anders v. California, 386 U.S. 738

¹The Honorable Donald E. O'Brien, United States District Judge for the Northern District of Iowa.

(1967), and has filed a brief raising the issues whether Martinez-Briseno admitted at his guilty-plea hearing each of the elements of the offense, and whether his sentence was within the applicable Guidelines range, given the facts in the presentence report (PSR).

Upon careful review, we find that Martinez-Briseno admitted during his guilty-plea hearing each element of the offense of illegal reentry, and we find no error in the Guidelines range computed in the PSR and adopted by the district court. Moreover, following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.